

In United States District Court  
For the District of Delaware

UNITED STATES OF AMERICA

Criminal Complaint

v.

CASE NUMBER: 08-97M

Joshua C Bey,  
Defendant

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about May 31, 2008, in the District of Delaware, Defendant Joshua C Bey, after having been convicted of a felony crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate and foreign commerce a firearm, in violation of Title 18, United States Code, Section(s) 922(g)(1) and 924(a)(2).

I further state that I am sworn as a Special Deputy U.S. Marshal and am assigned to the ATF

and that this complaint is based on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes



David Rosenblum  
Special Deputy U.S. Marshal assigned to the ATF

Sworn to before me and subscribed in my presence,

May 31, 2008 at  
Date

Wilmington, DE  
City and State

Bonita N. Lee / Substg. Officer Ct 20  
Name & Title of Judicial Officer

  
Signature of Judicial Officer



**AFFIDAVIT OF PROBABLE CAUSE: ATF Task Force Officer and Special Deputy U.S Marshal David C. Rosenblum**

Your affiant Detective David C. Rosenblum has been a Wilmington Police Officer for approximately 9 years and is currently assigned as a Task Force Officer (TFO) with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), whose duties include the investigation into firearms offenses committed in Wilmington, Delaware. Your Affiant has been authorized to seek and execute arrest and search warrants supporting a federal task force through Deputization by the United States Marshal's Service. During this Officer's employment as a Law Enforcement Officer, Your Affiant has authored in excess of 400 felony arrests warrants for crimes, some of which involved illegal narcotics and firearms. Prior to Your Affiant's current assignment, this Officer was assigned to the Wilmington Police Drug, Organized Crime, and Vice Division, Operation Safe Streets Task Force where your affiant has conducted over an estimated 1000 investigations into illegal narcotics and/or firearms offenses whereby, this Officer seized numerous weapons along with large amounts of narcotics and suspected drug proceeds. During Your Affiant's tenure as a Law Enforcement Officer, Your Affiant has received over 275 days of training from the DOJ, FBI, ATF, DEA, DSP, WPD, DOC, Royal Canadian Mounted Police, North East Counter Drug Training, Homeland Security, California Highway Patrol and other law enforcement agencies. Your Affiant has been qualified in Delaware Superior Court and Federal Court, District of Delaware to provide expert testimony on the intent to distribute controlled substances and has testified as an expert in approximately 15 felony drug trials. During the course of previous investigations, Your Affiant has had conversations with federal agents and law enforcement officers with knowledge and/or expertise in firearms offenses dealing with interstate nexus of firearms crossing state lines thereby affecting interstate commerce.

1. Unless otherwise stated, the information in this affidavit is based upon your affiant's personal knowledge and conversations with other Wilmington Police Officers. Because this affidavit is solely for establishing probable cause, not all facts related to this investigation are included herein.
2. On 31 May 2008, WPD officers executed a search warrant in a residence located in the City of Wilmington, State and District of Delaware. The following incident was described to Your Affiant by Wilmington Police Officers having personal knowledge with the incident.
3. During the search an officer seized a Peitro Beretta 9 millimeter model 92F compact semi-automatic firearm bearing serial number 024382 which contained 12 rounds. An officer also recovered a spent casing from a toilet located in the same room from whence the firearm was recovered

protection although he has no ongoing disputes. He further acknowledged this officers statement that he is a convicted felon prohibited from possessing a firearm by stating "I know."

5. Your Affiant reviewed the Delaware Justice Information System Database (DELJIS) and verified JOSHUA C BEY has 2 previous felony convictions for Conspiracy second degree in New Castle County Superior Court on or about 9/19/2005 and Possession of a Deadly Weapon by a Person Prohibited in New Castle County Superior Court on or about 12/8/2003. Your Affiant knows that both convictions are punishable by imprisonment for a term of exceeding 1 year.
6. Your Affiant personally inspected the above mentioned seized firearm. From my training and experience, and prior discussion with an ATF Agent who is expertly trained and experienced in determining the interstate nexus of firearms, your affiant believes that the above described weapon is a firearm as defined in 18 U.S.C., Chapter 44, Section 921(a)(3) and was manufactured in a state or country other than Delaware such that its possession in Delaware would have necessarily required that the firearm had crossed United States and/ or state boundaries prior to its possession in Delaware and such that the possession of that firearm in Delaware affected interstate or foreign commerce.